

AMENDMENTS TO THE DRAWINGS

In the drawings:

Please replace FIG. 7 with the single replacement sheet of drawings submitted herewith.

REMARKS

Applicant respectfully requests reconsideration of this application, as amended.

Claims 80, 82, 83 and 92–104 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, Claims 80, 82, 83, 92, 93, 94, 98, 99 and 100 have been amended to recite, more clearly, certain features of the claimed invention, including the relationship between the tissue sample, the transducer and the reaction chambers, as suggested by the Office Action (Page 3).

Claims 80 and 92 are directed to “a system for fixation of a tissue sample” and recite a first reaction chamber, a second reaction chamber, an ultrasound transducer, placeable within the reaction chambers, to irradiate a tissue sample placeable within the reaction chambers, and a central processing unit, coupled to the ultrasound transducer, to control the ultrasound transducer. Claim 80 further recites a robotic system, coupled to the central processing unit, to move the tissue sample and the ultrasound transducer from the first reaction chamber to the second reaction chamber, while Claim 92 recites a means for moving the tissue sample and the ultrasound transducer. Claims 83 and 93 have been amended to recite one or more sensors, coupled to the central processing unit, to monitor at least one of an intensity of the ultrasound energy that passes through the tissue sample, an intensity of the ultrasound energy that passes through the reaction chambers and a temperature of the tissue sample. Support for this amendment may be found, for example, on Pages 15–16 of the Specification. Claim 93 has been amended to remove the term “comprises a robotic system” and Claim 96 has been canceled without prejudice. Applicant notes that Claims 92–95 and 97–104 do not recite a robot or a robotic system.

FIG. 7 was amended to depict the “Robotic System” described within the Specification on Pages 9 and 29–30. No new matter has been added, and Applicant notes that FIG. 7 was amended, in a similar manner, in a previous response. The description of FIG. 7, on Page 9 of the Specification, has also been amended to indicate that the robotic system is shown, generally, within the figure. Additionally, the Specification has been amended to disclose that the CPU may be programmed to control the robotic system. Support for this amendment may be found within original Claims 80 and 82; no new matter has been added.

Accordingly, Applicant respectfully submits that the § 112, second paragraph, rejection has been overcome.

Claims 80, 82, 83 and 92–104 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses.

Claim 80 recites a robotic system, coupled to the central processing unit, that moves the tissue sample and the ultrasound transducer from the first reaction chamber to the second reaction chamber, while Claim 92 recites a means for moving these components. In support of its rejection, the Office Action opines that “the instant specification lacks any detailed description of any specific robotic system that can perform the functions recited in the specification and claims” (Page 5). Applicant disagrees.

The functionality performed by the claimed robotic system is described, in detail, on Pages 29–30 of the Specification:

After treatment with ultrasound in the fixative, a robotic system removes the tissue sample, transducer and sensors and moves them all to the next reaction chamber containing ethanol. After treatment with ultrasound in the ethanol is complete, the robotic system moves the tissue, transducer and sensors to a reaction chamber containing xylene. After treatment is complete in the xylene, the robotic system moves the tissue into a reaction chamber containing paraffin at 60° C.

Once the tissue is imbedded with paraffin, the fixed tissue is robotically removed from the reaction chamber and surrounded with more paraffin to create a paraffin block.

Applicant noted, in the response filed on May 15, that the use of robotic systems in clinical labs for processing of tissue samples was well known at the time the present application was filed, as demonstrated by the patents and other materials previously submitted in the response filed on October 7, 2005. The Office Action apparently agrees with this assessment of depth of the prior art.¹

Applicants submit that the description of the claimed robotic system is sufficiently detailed to enable one skilled in the art to adapt any one of the myriad of known laboratory robotic systems to move the tissue sample and the transducer from one reaction chamber to

¹ See, Office Action at Page 5 (“There may have been numerous robotic systems in the prior art at the time of filing of the instant application...”).

the next. Again, it has long been the law that it is not necessary to spell out every detail of the invention in the specification; only enough description must be included to convince a person of skill in the art that the inventor possessed the subject matter of his claims. Furthermore, a claim does not lack written description support simply because embodiments of the specification do not contain explicit descriptions of elements that are known to those of skill in the relevant art. Patent specifications are written for the person of skill in the art, and such a person comes to the patent with the knowledge of what has come before.² Moreover, the "written description requirement states that the patentee must describe the invention; it does not state that every invention must be described in the same way." Capon v. Eshhar v. Dudas, 418 F.3d 1349, 1358 (Fed. Cir. 2005). Here, the robotic system merely automates the movement of the tissue sample and transducer from one reaction chamber to the next.

Accordingly, Applicant respectfully requests that the § 112, first paragraph, rejection be reconsidered and withdrawn.

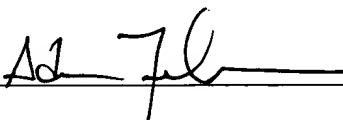
In view of the amendments and remarks presented herein, Applicant respectfully submits that this application is in condition for allowance and should now be passed to issue. A Notice of Allowance is respectfully solicited.

If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested. The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 02-2135.

Respectfully submitted,

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² See, e.g., In re GPAC Inc., 57 F. 3d 1573 (Fed. Cir. 1995).